
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that any physician, psychiatric mental health nurse practitioner, or psychologist may execute an emergency certificate only after an actual examination of a person alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate care and treatment in a treatment facility because the examining physician, psychiatric mental health nurse practitioner, or psychologist determines the person to be dangerous to self or others or to be gravely disabled.

Proposed law further provides that the actual examination of the person by a psychiatrist may be conducted by telemedicine utilizing video conferencing technology provided that a licensed health care professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in present law must be in the examination room with the patient at the time of the video conference. Present law provides that a patient examined in such a manner must be medically cleared prior to admission to a mental health treatment facility, and failure to conduct an examination prior to the execution of the certificate will be evidence of gross negligence.

Present law provides that in the case of an emergency certificate issued pursuant to an examination conducted by telemedicine pursuant to present law, the licensed health care professional present during the actual examination is responsible for obtaining, recording, and attaching to the emergency certificate the information required by present law regarding the video conference, including the physical address of both the examining psychiatrist and the patient at the time the video conference was conducted.

Present law provides that within 72 hours of admission, the person is to be independently examined by the coroner or his deputy who is to execute an emergency certificate, pursuant to present law, which is a necessary precondition to the person's continued confinement. Present law further provides that if the actual examination by the psychiatrist is conducted by telemedicine, the 72-hour independent examination by the coroner must be conducted in person.

Proposed law retains present law, and further clarifies that the examination of the person provided for by present law may also be conducted by a coroner or deputy coroner.

Proposed law further provides that upon transfer of a patient under an emergency commitment or order of protective custody, a second emergency commitment must be executed by the admitting facility or physician or physician on call.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 28:53(B)(1) and (4)(d) and (G)(2))